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In qts. and pts.

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KAWAILANI FORFEITURE HOLDS

The schooner Kawailani is forfeited. Okelehu is a dangerous cargo to carry. The drastic internal revenue laws are found to be full proof.

United States District Attorney Breckons received a cablegram this morning from Marshall Woodworth, the United States District Attorney for the Northern District of California, announcing that the Circuit Court of Appeals had affirmed Judge Estee's decision in the case of the United States against the schooner Kawailani.

May 24, 1902, Internal Revenue Collector Chamberlain searched the schooner Kawailani and found a few gallons of okolehu aboard her, and thereupon seized the schooner under the statute and regulations providing for the forfeiture of any vessel, vessel or means of conveyance on which shall be found illicit liquor contrary to the statutes. Hong Quon and L. Apama came forward as the owners of the vessel, and defended the suit brought in the United States Court to enforce the forfeiture by District Attorney Breckons. They claimed that they knew nothing about the carrying of the okolehu, and that if it was carried, it was against their positive orders to their employees.

Judge Estee decided under the statute that the vessel was forfeited, and an appeal was taken to the Circuit Court of Appeals. Pending the decision of the appeal, the schooner was released on bonds of \$1250, that being the agreed value of the vessel. Now that the decision has been affirmed, the owners of the vessel will have to pay the \$1250 bond and the accrued costs.

"The importance of this decision," said District Attorney Breckons, "lies in the fact that it absolutely establishes the rule in these islands in regard to the conveyance of illicit liquors. The means of conveyance, no matter what it is, whether a hand cart, a truck or a vessel, is liable to forfeiture, if it is used for the conveyance of illicit liquors.

"The decision, as well as the judgment it affirmed," said Internal Revenue Collector Chamberlain, "keeps the okolehu distilling down to pretty small compass. There will doubtless always be a little of it, up in the valleys and the mountains, but so long as they can't transport it to a larger market, it will obviously be confined to the demand of the immediate locality. Ever since we seized this schooner, other vessels engaged in inter-island traffic have been very careful."

BYAN UNKIND.

Asked by an interviewer to give his views on the fiscal question, Mr. Byan (United States Army) answered: "The English must on a question of this sort come to their own decision." This is a little unkind, when he might so easily have decided for us.—London Punch.

THE UNPRINTED NEWS.

We have often thought that there would be a great field for a newspaper in any of our large cities, whose policy and province it would be honestly to print only the suppressed news of the other papers. One page of it could be profitably set aside for corrections, details and explanations of the articles that were printed in the other papers, but were either incorrect, false or obscure.

That is one side of the shield of journalism. The other, which has already been indicated, is its kindness—its unknown and unappreciated kindness—to public men and women. Many a statesman walks the streets of Washington today a monument to the charity and goodwill of the newspaper correspondents. Occasionally some narrow-minded public man, in the seclusion and safety of his own apartments, speaks contemptuously of the newspaper fraternity. Would it surprise you to know that his fame has been made by what the correspondents have written of him? Or that his reputation has been saved by what they indulgently had not written about him?—Collier's Weekly.

Siberian Railway Will Give Poor Service

According to the statements of Alexis Krausse, a writer of authority on Asia, the Siberian Railroad is likely not to prove a very hopeful asset to Russia in the present conflict. In fact the transportation of troops and supplies over that line is apt to prove a bigger task than the railroad can fulfil.

In his recent great work entitled "Russia in Asia," Mr. Krausse says: "The utility of a single line for the conveyance of large bodies of men over ever restricted areas is well known to be extremely limited, and the liability of communications being broken very great. In the case of a trunk line traversing upwards of 4000 miles, the shortcomings are largely increased, and the possibility of Russia's being able to convey an army, with all its impediments, across Northern Asia, by means of a railway, cheaply constructed of indifferent materials and badly equipped, is one which must be regarded as largely a matter of trust in Providence.

"The lay mind is so accustomed to regard a railway as being the natural and easy means of conveying anything which it is called upon to convey, that it does not pause to consider the special requirements involved in the dealing with large bodies of troops. Military men, however, who have had occasion to take part in mobilization experi-

ments, know better, and I have no hesitation in asserting, that even with the Trans-Manchurian railway in full working order, it would take as long to convey an army from European Russia to the Pacific across Siberia as it does now to take them over the same distance by sea.

"It is one thing to run a tri-weekly train service, at the rate of fourteen miles an hour, with frequent interruptions and breakdowns; but quite another to maintain a constant succession of military trains, which, on a system traversing the entire width of Asia, would necessitate a quantity of engines and rolling stocks, such as is not today to be found in the entire continent.

"For all of which reasons, I consider it safe to opine that however hopeful the views of Russian experts as to the future of the Siberian railway may be, its influence on the dominating power of Russia over the Pacific seaboard is being greatly exaggerated.

"The future prospects of the Siberian railway, gauged from a disinterested standpoint, are however, entirely distinct from the aims of its designers, and it is no secret that the principal object of the urgent haste made to complete the undertaking is to strengthen, not so much the Russian power of defence on the Chinese frontier, as its capacity for aggression."

ANDREWS LEAVES ON TUESDAY

GOES TO WASHINGTON TO ARGUE THE FISHERIES CASE IN THE SUPREME COURT.

Attorney General Lorrin Andrews will sail by the S. S. Sierra tomorrow, en route to Washington, to argue the fisheries case in the Supreme Court of the United States. He received a cablegram from the Supreme Court stating that this case would probably come up for hearing the first week in March, though it was not peremptorily set for that time.

"This suit is one of the most important to the Territory, as it involves, as a test case, all the private fishing rights in the waters of the ocean adjacent to these islands, which existed by ancient Hawaiian custom. These rights are variously estimated, one estimate going up into the millions.

These cases arise under the Organic Act, which provides that all persons claiming such rights must bring suit in the Circuit Courts of the Territory before June 14, 1902, to have their rights established, and that when established the Territory must proceed by condemnation to acquire the title, and that thereafter these rights should be open to all citizens of the United States.

Seventy or more suits to establish title were brought in the Circuit Court of Oahu, and other cases on other islands. In the case of S. H. Damon against the Territory, Judge Humphreys decided in favor of the Territory, and as this case was believed to embrace all the questions of law involved in the other cases, stipulations were entered into by which the others were to be continued until this one had been decided, and that they would abide the decision of this case. This case is now for hearing, and the Attorney General goes to argue it.

ELEU WAS NOT SOLD.

The tug Eleu was not sold today. She was offered at auction at Brewer's wharf at an upset price of \$5,000, but there were no bidders so she was withdrawn.

BIDDER MUST GIVE BONDS

SALE OF KOHALA DITCH FRANCHISE IS POSTPONED FOR A WEEK AND A CONDITION REQUIRING BONDS FOR THE PERFORMANCE OF THE WORK, HAS BEEN ADDED.

The sale of the Kohala Ditch franchise which has been advertised to take place next Friday has been postponed for a week, and an additional condition of sale has been made.

These changes have been made at the direction of the Governor, word having been received from him by Commissioner of Public Lands Pratt this morning.

The additional condition inserted is one requiring a bond from the successful bidder that the requirements of work to be accomplished during the several periods of time allowed for the construction of the ditch will be complied with. Under the terms of the franchise as it has been advertised, a speculator, or some one opposed to the construction of the ditch, might become the successful bidder. If a speculator, he would have a whole year in which to dispose of his franchise at an initial payment to the government of \$500, and by paying another \$500 he would have another year. If an obstructionist, he could delay the work two years at a cost of \$1000.

"The terms were made as low as possible, and as liberal as possible," said Land Commissioner Pratt, "so as to encourage the enterprise. The main thing the Territory is interested in is having the work undertaken and completed, on terms which while giving encouragement to capital, will protect

the interests of the public. That is why the initial payments were made small. Of course, forfeiture of the franchise follows failure to keep the conditions. After the advertisement had been published I saw that with nothing but forfeiture of the franchise as a penalty for failure to begin the work promptly or carry it on according to conditions, the door was opened to speculators or obstructionists. I talked the matter over with the Governor when I was on Hawaii, and after I returned here I wrote my views in a letter to the Governor which he received in Kau. His instructions to postpone the sale a week and to add the condition of a bond, was the result. He himself will return here next Friday, and the whole matter will be more fully considered.

"The new condition is that the successful bidder must give a bond conditioned that he will perform the required work within the required time. This condition will not make it a whit more expensive to the bona fide bidder who intends and has the ability to construct and operate the ditch. But it will make it more expensive for the mere speculator or the obstructionist, and will therefore tend to keep out speculators and obstructionists.

"Of course the forfeiture of the franchise will follow the failure to keep the conditions, and the penalty of the bond will be required besides."

DOYLE BACK FROM KAUAI

SAYS SHERIFF CONEY DID GOOD WORK IN GLENNAN MURDER CASE—GAMBLERS ROUNDED UP.

Chester Doyle returned yesterday morning from Kauai where he has been passing some days partially on pleasure and business. Fortunately for the Kauai officers Doyle happened to be in Lihue at the time the Kauai police were trying to get some clue to the men who assassinated G. H. Glennan by blowing him up with dynamite. The perpetrator was caught in Ewa. Matsumoto was his name.

Possibly fearing that the Kauai police might lose some credit for the arrest of the man, Deputy Sheriff Rice who came from Kauai after Matsumoto, deliberately misrepresented certain facts regarding the arrest of the man, and claimed that the fellow had been arrested in connection with an embezzlement and not with the Glennan murder. If the desire of Mr. Rice was to deprive others of any credit for making the arrest, his attempts have proved fruitless, for so far as any credit in this murder case is concerned, the Kauai police are entitled to very little. The fact that the suspected murderer had come to Oahu was related to the Kauai officers by Japanese who went down from Honolulu, and the much desired man was caught by Special Officer Nakamura of the Honolulu force. Rice escorted the prisoner from Honolulu to Kauai, a work that any school boy might have performed.

"Sheriff Conney," said Doyle this morning, "has worked very hard on this case. It was a very fortunate thing that the perpetrator of the crime was apprehended, for had he gone uncaught the fact might have led to the formation of a regular band of assassins. Sheriff Conney has also rounded up many gamblers on Kauai, and this will, no doubt, serve to deter the criminal Japanese from further depredations on that island.

"The murderer confessed to me shortly after he was brought from Honolulu. In order that there might be no question regarding this confession and its admission as evidence, I caused Sheriff Conney and several others to come as witnesses and again had the man to confess. His rights in the matter and the fact that the confession must be voluntary were explained to him by me. While the man claims that he is the only one concerned in the murder, I am satisfied that he is trying to shield others. I do not believe that he committed that crime unassisted. I think that three or four others are concerned in the murder."

MEN WHO WANT TO SERVE JAPAN

WHAT RECOMMENDATIONS THE MEN WHO APPLIED TO THE CONSUL GAVE.

The following is from the Hawaii Shippo, in regard to the efforts of others than Japanese to enter the service of Japan. It was published under the heading "Want to join us in Bear hunting."

There are a large number of white people here we understand, who are very anxious to join the Japanese army or navy and take hand nitching the Moscovites of the ways of the civilized world. So far three of them have applied to the Japanese Consulate and inquired as to the official procedure in this regard. Every one of them was told by the consul that it was impossible for him to satisfy the applicant's desire as the regulation of either the army or the navy would allow no foreigner to enlist. The first applicant was an American. By way of illustrating his fitness for such service he volunteered a statement that he was a bomb maker by trade and, if he was allowed to enlist, he could easily raise three hundred more like him to cast a lot with him. He would certainly be welcomed by Nihilists if he had gone to Russia, and he might have served better for the cause of Japan in that way than to join her army or navy. The second applicant was a German. He was a veteran soldier of a considerable experience, at least so he testified. For a number of years he had served the Fatherland as an artillery officer, before he came to this country some ten years ago. The last ambitious man was an American who had only a short time ago been honorably discharged from his army service at the Philippine Islands.

DR. KOBAYASHI MARRIED.

Dr. S. Kobayashi was married last Saturday evening at the residence of Dr. I. Mori, corner Beretania and Alakea streets. The bride is Miss Shimura who was betrothed to him in Japan, and came here by the China last week, accompanied by Dr. Mori, who returned from a visit to his fatherland. The wedding was private. A reception will be held next Wednesday evening at Mochizuki, Waikiki, to which a large number of invitations have been issued. Dr. Kobayashi is well known as a physician both among the Japanese and foreign residents.

STRUCK BY LIGHTNING.

LAHAINA, February 13.—The wireless telegraph pole was struck by lightning this week and the top portion demolished, putting this station out of service, until the pole can be repaired, which is impossible under the present state of the weather. The operator's life was in danger at times, during the storm, and the falling of the spar.

Want ads in the Star bring quick results. Three lines three times for 25 cents.

NEW ADVERTISEMENTS

NOTICE.

The regular annual meeting of the Stockholders of the Waiohinu Agricultural & Grazing Company will be held at the Office of Wm. G. Irwin & Co., Ltd., Honolulu, T. H., on Thursday, February 25th, 1904, at 9 a. m.

RICHARD IVERS,
Secretary Waiohinu Agricultural & Grazing Co.
Honolulu, February 15th, 1904.

NOTICE.

The regular annual meeting of the Stockholders of the Ponnahawai Coffee Company, Limited, will be held at the Office of Wm. G. Irwin & Co., Ltd., Honolulu, T. H., on Thursday, February 25th, 1904, at 10 a. m.

H. M. WHITNEY, JR.,
Secretary Ponnahawai Coffee Company, Ltd.
Honolulu, February 15th, 1904.

NOTICE.

The regular annual meeting of the Stockholders of the Waimanalo Sugar Company will be held at the Office of Wm. G. Irwin & Co., Ltd., Honolulu, T. H., on Thursday, February 25th, 1904, at 10 a. m.

H. M. WHITNEY, JR.,
Secretary Waimanalo Sugar Company.
Honolulu, February 15th, 1904.

NOTICE.

The regular annual meeting of the Stockholders of the Olowalu Company will be held at the Office of Wm. G. Irwin & Co., Ltd., Honolulu, T. H., on Thursday, February 25th, 1904, at 10:20 a. m.

RICHARD IVERS,
Secretary Olowalu Company.
Honolulu, February 15th, 1904.

NOTICE.

The regular annual meeting of the Stockholders of the Hilo Sugar Company will be held at the Office of Wm. G. Irwin & Co., Ltd., Honolulu, T. H., on Thursday, February 25th, 1904, at 11 a. m.

RICHARD IVERS,
Secretary Hilo Sugar Co.
Honolulu, February 15th, 1904.

Orpheum Theatre

SATURDAY NIGHT, Feb. 20th

BARRY
VS.
MURPHY

15 Rounds Marquis Queensbury.

Huihui
VS.
McDonald

6 Rounds for Light-Weight Championship of Hawaii.

2

4-Round Preliminaries.

Sale of seats begins Thursday morning, February 18th.

PRICES.

Stage, \$3.00; Orchestra, \$2.50, Dress Circle, \$2, Gallery \$1.

IN THE CIRCUIT COURT OF THE First Circuit, Territory of Hawaii.—At Chambers.—In Probate. In the Matter of the Estate of Jennie Blatchford Tschudi (or Tschuddi). Order for Notice of Hearing Petition for Probate of Will.

A Document purporting to be the Last Will and Testament of Jennie Blatchford Tschudi (or Tschuddi) deceased, having on the 8th day of February, A. D. 1904, been presented to said Probate Court, and a Petition for the Probate thereof, and for the Issuance of Letters Testamentary to M. W. Tschudi having been filed by M. W. Tschudi.

It is Hereby Ordered, That Monday, the 14th day of March, A. D. 1904, at 10 o'clock a. m. of said day, at the Court Room of said Court, at Honolulu, Territory of Hawaii, be and the same hereby is appointed the time and place for proving said Will and hearing said application.

It is Further Ordered, That notice thereof be given, by publication, once a week for three successive weeks, in The Hawaiian Star, a newspaper published in Honolulu, the last publication to be not less than ten days previous to the time therein appointed for hearing.

Dated at Honolulu, Territory of Hawaii, February 8th, 1904.

W. J. ROBINSON,
Third Judge Circuit Court, First Circuit.

41—Feb. 8, 15, 22, 29.

Opera House
Monday
Feb. 15th

HAWAIIAN
TICKETS
81 and 75 Cts.
at
WALL, NICHOLS

Here are the latest creations in a Tropical Hat. LIGHT, COOL, AIRY. Weighs only 3 ounces.

The No-It-At-Imi FIBRE PANAMAS

In all of the popular shapes. Come and have a look at them. Price \$1.00.

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